

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

#450 Dept of Commerce/Securities Division

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7/24 Temporary Rule _____

Resubmitted and Received _____

DUE DATE 8/11

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 8/14 Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable N.A.
4. Order for Hearing ✓
5. Notice of Hearing ✓
   (i) Sufficiency ✓
6. Secretary of State's List ✓
7. Certificate of Acquisition of Secretary of State's List ✓
8. Affidavit of Mailing ✓
   (i) At least 30 days prior to hearing ✓
9. Statement of Need and Evidence ✓
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable N.A.
13. Order Adopting ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable N.A.
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N.A
17. Petition by Public, where applicable N.A.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Commerce

Office Memorandum

TO : Lee Sheehy
Special Assistant
Attorney General

DATE: July 20, 1978

FROM : Robert C. Carlson
Special Assistant
Attorney General

PHONE: 9412

SUBJECT: Conveyancing Blanks Administrative Rules

Attached for your review are the relevant documents for the conveyancing blanks administrative rules from the Minnesota Department of Commerce.

If you have any questions on these rules, please feel free to contact me.

RCC:pl
Enclosure

RECEIVED
JUL 24 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
SECURITIES DIVISION

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division to Replace Uniform Conveyancing Blanks 35-40, 88-90, Originals of Which are Filed with the Secretary of State, and Copies of Which are set out Following M.S.A. § 507.

RULES AS PROPOSED

OSWALD PUBLISHING CO., NEW ULM, MINN.

Exhibit A

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____ , 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____ , 19 ____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____ , Grantee(s), real property in _____ ,
County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA
} ss.
COUNTY OF _____

_____

_____

The foregoing instrument was acknowledged before me this _____ day of _____ , 19____,
by _____, as Personal Representative of the Estate of
_____ , Decedent.

_____
Notary Public

Notarial Stamp or Seal

_____ , SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
} ss.
COUNTY OF _____

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of
_____ , 19____, by _____ , spouse of
_____ , Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____

_____

_____

Statements for real estate taxes on the real property described herein should be sent to:

_____

_____

_____

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____, Grantees, as joint tenants, real property in
_____County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____

_____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____
_____, as Personal
Representative of the Estate of _____, Decedent.

Notarial Stamp or Seal

_____
Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of
_____, 19____, by _____, spouse of
_____, Decedent.

_____
Notary Public

Notarial Stamp or Seal

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

OSWALD PUBLISHING CO., NEW ULM, MINN.

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____ , 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____ , 19 ____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
a _____ under the laws of _____, as Personal Representative of the Estate of _____ , Decedent, single ☐ , married ☐ at the time of death, hereby conveys to _____
_____, Grantee(s), real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

By: _____
Its: _____

By: _____
Its: _____

STATE OF MINNESOTA
} ss.
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ , 19____, by _____ and _____, the _____ and _____ of _____, a _____, under the laws of _____, as Personal Representative of the Estate of _____, Decedent, on behalf of the _____ .

_____
Notary Public

_____ , SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
} ss.
COUNTY OF _____

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____ , 19____, by _____ , spouse of _____ , Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. XXXX – Personal Representative's Deed of Distribution
Individual Personal Representative

OSWALD PUBLISHING CO., NEW ULM, MINN.

Note: This deed should be used only for distribution.

Transfer entered on

_____, 19 ____

_____
County Auditor

by _____
Deputy

Date: _____, 19 ____

NO STATE DEED TAX DUE HEREON

(reserved for recording data)

_____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____, Grantee(s), real property in _____,
County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

STATE OF MINNESOTA
} ss.
COUNTY OF _____

_____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____
_____, as Personal
Representative of the Estate of _____, Decedent.

Notarial Stamp or Seal

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. XXXX—Personal Representative's Deed of Distribution
Corporate Personal Representative

OSWALD PUBLISHING CO., NEW ULM, MINN.

Note: This deed should be used only for distribution.

Transfer entered on

_____, 19____

_____
County Auditor

by _____
Deputy

Date: _____, 19____

NO STATE DEED TAX DUE HEREON

(reserved for recording data)

_____, Grantor, a _____ under the laws of _____, as Personal Representative of the Estate of _____, Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____, Grantee(s), real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

By: _____
Its: _____

STATE OF MINNESOTA
COUNTY OF _____ } ss.

By: _____
Its: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ and _____, the _____ and _____ of _____, a _____, under the laws of _____, as Personal Representative of the Estate of _____, Decedent, on behalf of the _____.

Notarial Stamp or Seal

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

OS269 (Rev. 9/77) OSWALD PUBLISHING CO., NEW ULM, MINN. Form 524.3-1001 #7 524.3-1002 #6 UPC 85

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT–PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

ORDER OF COMPLETE SETTLEMENT OF THE ESTATE AND DECREE OF DISTRIBUTION

The petition of _____, dated _____, 19____, for an order of complete settlement of the estate and decree of distribution in the estate of the above named decedent having duly come on for hearing before the above named Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for order of complete settlement of the estate and decree of distribution is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.

4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.

5. That the decedent died ___testate at the age of _____ years on _____, 19____, at _____.

6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.

7. That this Court has jurisdiction of this estate, proceedings and subject matter.

8. That the said estate has been in all respects fully administered, and all expenses, debts, valid charges and all claims allowed against said estate have been paid.

9. That the personal representative has filed a final account herein for consideration and approval.

10. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto, was probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, decedent devised his estate as follows: (State actual legal relationship of each devisee to decedent).

11. That the following named persons are all the heirs of the decedent and their actual legal relationship is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained.):

12. That the residue of the estate of decedent for distribution consists of the following described property:

(A) Personal property of the value of $ _____ comprising the following items:

(B) Real property described as follows:

(1) The homestead of decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real estate in the County of _____, State of Minnesota, described as follows:

13. That the inheritance taxes on the herein described property have been paid or waived.

14. That any previous order determining testacy should be confirmed as it affects any previously omitted or unnotified persons and other interested persons.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That the final account of the personal representative herein is approved.

3. That decedent's will, if any, duly executed on _____ , 19____, and any codicil or codicils thereto are construed as above stated.

4. That the heirs of the decedent are determined to be as set forth above.

5. That the residue of the estate of the decedent is as above stated.

6. That title to the real and personal estate described herein, subject to any lawful disposition heretofore made, is hereby assigned and vested in the following named persons, who are entitled thereto as all the distributees of the decedent, in the following proportions or parts:

7. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

8. That any previous order determining testacy is hereby confirmed as it affects any previously omitted or unnotified persons and other interested persons.

Dated: _____

_____

Judge

(COURT SEAL)

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT–PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

ORDER OF COMPLETE SETTLEMENT OF THE ESTATE AND ORDER OF DISTRIBUTION

The petition of _____, dated _____, 19____, for an order of complete settlement of the estate and order of distribution in the estate of the above named decedent having duly come on for hearing before the above named Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for order of complete settlement of the estate and order of distribution is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.

4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.

5. That the decedent died ___testate at the age of _____ years on _____, 19____, at _____.

6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.

7. That this Court has jurisdiction of this estate, proceedings and subject matter.

8. That the said estate has been in all respects fully administered, and all expenses, debts, valid charges and all claims allowed against said estate have been paid.

9. That the personal representative has filed a final account herein for consideration and approval.

10. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto, was probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, decedent devised his estate as follows: (State actual legal relationship of each devisee to decedent).

11. That the following named persons are all the heirs of the decedent and their actual legal relationship is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained.):

12. That the residue of the estate of decedent for distribution consists of the following described property:

(A) Personal property of the value of $ _____ comprising the following items:

(B) Real property described as follows:

(1) The homestead of decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real estate in the County of _____, State of Minnesota, described as follows:

13. That the inheritance taxes on the herein described property have been paid or waived.

14. That any previous order determining testacy should be confirmed as it affects any previously omitted or unnotified persons and other interested persons.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That the final account of the personal representative herein is approved.

3. That decedent's will, if any, duly executed on _____, 19____, and any codicil or codicils thereto are construed as above stated.

4. That the heirs of the decedent are determined to be as set forth above.

5. That the residue of the estate of the decedent is as above stated.

6. That the personal representative herein is directed to convey by Personal Representative's Deed of Distribution, title to the real and personal estate described herein, subject to any lawful disposition heretofore made, to the following named persons, who are entitled thereto as all the distributees of the decedent, in the following proportions or parts:

7. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

8. That any previous order determining testacy is hereby confirmed as it affects any previously omitted or unnotified persons and other interested persons.

Dated: _____

_____

Judge

(COURT SEAL)

OS190½ (Rev. 9/77) OSWALD PUBLISHING CO., NEW ULM, MINN. Form 524.3-413 #6 UPC --

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

DECREE OF DESCENT
(Omitted property) (Incorrectly described property)

The petition of _____, dated _____, 19 ____, for determination of descent in the estate of the above named decedent having duly come on for hearing before the above named Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for determination of descent is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.

4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.

5. That the decedent died ___testate at the age of _____ years on _____, 19____, at _____.

6. That, on the basis of the statements in the petition, this Court has jurisdiction of this estate, proceedings and subject matter.

7. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.

8. That the following named persons are all the heirs of the decedent, as identified in the petition commencing this proceeding:

9. That no will or authenticated copy of a will of decedent probated outside of this State in accordance with the laws in force in the place where probated has been admitted to probate nor administration had in this State except in the _____ Court of _____ County under file number _____ in which proceedings the (Order) (Decree) of (Distribution) (Descent) was entered on _____, 19____, wherein the hereinafter described real and/or personal property was (omitted) (incorrectly described) as follows:

The (Order) (Decree) in which the above described real property was (omitted) (incorrectly described) was (filed) (recorded) in the Office of the (County Recorder) (Registrar of Titles), _____ _____ County, Minnesota, on _____ day of _____, 19____, and was duly recorded in Book _____ of _____, page _____, or was duly filed as Document No. _____.

10. That in and by decedent's last will, if any, the decedent devised the above described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent).

11. That said decedent, at the time of death, was the owner of certain property correctly described as follows:

(A) The homestead of said decedent, situated in the County of _____, State of Minnesota, described as follows, to-wit:

(B) Other tract or tracts of land lying and being in the County of _____, State of Minnesota, described as follows, to-wit:

(C) Personal property consisting of the following items, to-wit:

12. That the terms of decedent's said will are valid and operative under the laws of the State of Minnesota, and that the following named persons are the devisees and/or heirs-at-law of said decedent and are all of the persons entitled to the property herein described, to-wit: (State proportion and actual relationship of each to decedent).

13. That the devisee or his successors and assigns possess the property devised in accordance with the will, any heir or his successor and assigns possess such property which passes to such heir under the laws of intestate succession in force at the decedent's death, or such property was not possessed or claimed by anyone by virtue of the decedent's title during the time period for testacy proceedings.

14. That the inheritance taxes on the herein described property have been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That the real and personal estate described herein, subject to any lawful disposition heretofore, made, is hereby assigned to and vested in the following named persons in the following proportions or parts:

3. That the prior (Order) (Decree) of (Distribution) (Descent) which is described above is amended or modified as provided herein, and is, in all other respects, confirmed.

4. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

_____

Judge

(COURT SEAL)

OS293 (Rev. 9/77) OSWALD PUBLISHING CO., NEW ULM, MINN. Form 525.312 #8 UCP--

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT–PROBATE DIVISION
Court File No. _____

In Re: Estate of

DECREE OF DESCENT

_____
Deceased

The petition of _____, dated _____, 19____, for determination of descent in the estate of the above named decedent having duly come on for hearing before the above named Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for determination of descent is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.

4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.

5. That the decedent died ___testate at the age of_____ years on _____, 19____, at _____ and that more than three years have elapsed since the death of said decedent and it appears from the petition that the time limit for original appointment proceedings has expired.

6. That, on the basis of the statements in the petition, this Court has jurisdiction of this estate, proceedings and subject matter.

7. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.

8. That the following named persons are all the heirs of the decedent, as identified in the petition commencing this proceeding:

9. That no will or authenticated copy of a will of decedent probated outside of this State in accordance with the laws in force in the place where probated has been admitted to probate nor administration had in this State.

10. That the original, duly executed and apparently unrevoked last will, if any, and codicil or codicils thereto, if any, of the decedent or authenticated copy thereof and statement probating the same is in the Court's possession.

11. That the petition does not indicate that existence of a possible unrevoked testamentary instrument which may relate to property subject to the laws of this State, and which is not filed for probate in this Court.

12. That in and by decedent's last will, if any, the decedent devised the hereinafter described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent).

13. That said decedent, at the time of death, was the owner of certain property described as follows, to-wit:

(A) The homestead of said decedent, situated in the County of _____, State of Minnesota, described as follows, to-wit:

(B) Other tract or tracts of land lying and being in the County of _____, State of Minnesota, described as follows, to-wit:

(C) Personal property consisting of the following items, to-wit:

14. That the terms of decedent's said will are valid and operative under the laws of the State of Minnesota, and that the following named persons are the devisees and/or heirs-at-law of said decedent and are all of the persons entitled to the property herein described, to-wit: (State proportion and actual relationship of each to decedent).

15. That the devisee or his successors and assigns possess the property devised in accordance with the will, any heir or his successor and assigns possess such property which passes to such heir under the laws of intestate succession in force at the decedent's death, or such property was not possessed or claimed by anyone by virtue of the decedent's title during the time period for testacy proceedings.

16. That the inheritance taxes on the herein described property have been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That the real and personal estate described herein, subject to any lawful disposition heretofore, made, is hereby assigned to and vested in the following named persons in the following proportions or parts:

3. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

_____
Judge

(COURT SEAL)

OS309 (Rev. 9-77) OSWALD PUBLISHING CO., NEW ULM, MINN. Form 525.51 #13 UPC---

STATE OF MINNESOTA

COUNTY OF_____

PROBATE COURT
COUNTY COURT–PROBATE DIVISION
Court File No._____

In Re: Estate of

_____
Deceased

FINAL DECREE
SUMMARY ASSIGNMENT OR DISTRIBUTION

The petition of _____ dated _____, 19____, for summary assignment or distribution of the estate of the above named decedent having duly come on for hearing before the above named Court, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for summary assignment or distribution is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner has declared or affirmed that the representations contained in the petition are true, correct and complete to the best of his knowledge or information.

4. That the petitioner appears from the petition to be an interested person as defined by the laws of this State.

5. That decedent died____testate at the age of_____ years on _____, 19____, at _____.

6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of his death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of his death.

7. That this Cout has jurisdiction of this estate, proceeding and subject matter.

8. That the estate of said decedent consists of the following property, to-wit:

   (A) Personal property of the value of $_____comprising the following items, viz.:

(B) Real property described as follows: The homestead of decedent situated in the County of _____ and State of Minnesota, described as follows, to-wit:

(C) Other tracts of land lying and being in the County of _____ and State of Minnesota, described as follows, to-wit:

9. That all of said property is either exempt from all debts and charges in the Probate Court or may be appropriated in kind in reimbursement or payment of the allowances to spouse and minor children mentioned in M.S.A. Section 525.15, expenses of an administration, funeral expenses, expenses of last illness, debts having a preference under the laws of the United States, and taxes, or otherwise qualified for summary assignment and distribution pursuant to M.S.A. Section 525.51.

10. That in and by decedent's last will, if any, the decedent devised the hereinafter described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent).

11. That the following named persons are the devisees and/or heirs and/or preferred obligees of the estate of said decedent, and are all of the persons entitled to the estate of the decedent, to-wit: (State proportion and actual relationship to decedent).

12. That there is no need for the appointment of a representative and that the administration should be closed by summary assignment or distribution as hereinafter ordered, adjudged and decreed.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That decedent's will dated _____, 19____, and codicils thereto, if any, (is) (are) hereby formally probated.

3. That title to the real and personal estate described herein is hereby assigned and vested in the following named persons, who are entitled thereto as all the distributees of the decedent, subject to any lawful disposition heretofore made, in the following proportions or parts:

4. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

_____

Judge

(COURT SEAL)

OSWALD PUBLISHING CO., NEW ULM, MINN.

BONA FIDE PURCHASER DECLARATION
(pursuant to Minnesota Statutes 291.14 Subd. 4)
AND AFFIDAVIT OF NO SELF DEALING

ESTATE OF _____

_____

_____ , DECEDENT.

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

(reserved for recording data)

_____ , being first duly sworn, states:

1. That affiant is the personal representative of the Estate of the above-named decedent, in _____ County Probate File No. _____ , who died on _____ , 19 ___ , in _____ County, Minnesota.
2. That affiant's address is: _____ ;
3. That assets of the probate estate of said decedent include real property in the County of _____ , State of Minnesota, described as follows:

(If more space is needed, continue on back)

4. That affiant (sold) (mortgaged) (leased) the above described real property by instrument dated _____ , 19 ___ , to _____ , a bona fide purchaser for the full consideration of $_____ :
5. That this transaction does not constitute a sale, mortgage or lease to affiant, affiant's personal agent or attorney, or any corporation or trust in which affiant has a substantial beneficial interest, and furthermore, this sale is not a transaction which is affected by a substantial conflict of interest on the part of affiant.

Subscribed and sworn to before me this _____
day of _____ , 19 ___ .

_____
Notary Public

(Notarial Stamp or Seal)

_____
Personal Representative

This instrument was drafted by:

_____

_____

_____

NOTICE: CERTIFIED COPY OF LETTERS MUST BE ATTACHED TO THIS AFFIDAVIT, OR IT CANNOT BE RECORDED.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
SECURITIES DIVISION

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division to Replace Uniform Conveyancing Blanks 35-40, 88-90, Originals of Which are Filed with the Secretary of State, and Copies of Which are set out Following M.S.A. § 507.

RULES AS ADOPTED

Form 101 Minn. Stat. § 524.3-1001 # 7 524.3-1002 # 6 UPC 85

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

ORDER OF COMPLETE SETTLEMENT OF THE ESTATE AND DECREE OF DISTRIBUTION

The petition of _____ dated _____, 19____, for an order of complete settlement of the estate and decree of distribution in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for order of complete settlement of the estate and decree of distribution is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner(s) (has) (have) ~~has~~ declared or affirmed that the representations contained in the petition are true, correct and complete to the best ~~of his~~ knowledge or information of the petitioner(s).

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

5. That the decedent died ___ testate at the age of _____ years on _____, 19____, at _____.

6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of ~~his~~ death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of ~~his~~ death.

7. That this Court has jurisdiction of this estate, proceeding and subject matter.

8. That the said estate has been in all respects fully administered, and all expenses, debts, valid charges and all claims allowed against said estate have been paid.

9. ~~That the personal representative has filed a final account herein for consideration and approval.~~
That a final account has been filed herein by the personal representative(s) for consideration and approval.

10. That decedent's last will~~, if any,~~ duly executed on _____, 19____, and ~~any~~ codicil or codicils thereto duly executed on _____, 19____, (was) (were) probated by the order of this Court dated _____, 19____, or (is) (are) formally probated by this order, and should be construed to provide that under the provisions thereof, ~~decedent devised his estate~~ the estate of decedent is devised as follows:
(State actual legal relationship of each devisee to decedent.)

11. That the following named persons are all the heirs of the decedent and their actual ~~legal~~ relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained.):

12. That the ~~residue of the estate of decedent for distribution consists of the following described property~~ property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ ~~comprising the following items~~ described as follows:

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real ~~estate~~ property situated in the County of _____, State of Minnesota, described as follows:

13. That the inheritance taxes on the herein described property have been paid or waived.

14. That any previous order determining testacy should be confirmed as it affects any previously omitted or unnotified persons and other interested persons.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That the final account of the personal representative(s) herein is approved.

3. That decedent's will~~, if any,~~ duly executed on _____, 19____, and ~~any~~ codicil or codicils thereto duly executed on _____, 19____, (is) (are) (hereby) (has or have) (been) formally probated and (is) (are) construed as above stated.

4. That the heirs of the decedent are determined to be as set forth above.

5. That the ~~residue of the estate of the decedent~~ property of the decedent on hand for distribution is as above stated.

6. That title to the personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons~~, who are entitled thereto as all the distributees of the decedent,~~ in the following proportions or parts:

7. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

8. That any previous order determining testacy is hereby confirmed as it affects any previously omitted or unnotified persons and other interested persons.

Dated: _____

_____
Judge

(COURT SEAL)

FILED:

Form 102 Minn. Stat. § 524.3-1001 # 8 524.3-1002 #7 UPC 85

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

ORDER OF COMPLETE SETTLEMENT OF THE ESTATE AND ORDER OF DISTRIBUTION

The petition of _____, dated _____, 19____, for an order of complete settlement of the estate and order of distribution in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for order of complete settlement of the estate and order of distribution is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner(s) (has) (have) ~~has~~ declared or affirmed that the representations contained in the petition are true, correct and complete to the best ~~of his~~ knowledge or information of the petitioner(s).

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

5. That the decedent died ____testate at the age of _____years on _____, 19____, at _____

6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of ~~his~~ death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of ~~his~~ death.

7. That this Court has jurisdiction of this estate, proceeding and subject matter.

8. That the said estate has been in all respects fully administered, and all expenses, debts, valid charges and all claims allowed against said estate have been paid.

9. ~~That the personal representative has filed a final account herein for consideration and approval.~~
That a final account has been filed herein by the personal representative(s) for consideration and approval.

10. That decedent's last will~~, if any,~~ duly executed on _____, 19____, and ~~any~~ codicil or codicils thereto duly executed on _____, 19____, (was) (were) probated by the order of this Court dated _____, 19____, or (is) (are) formally probated by this order, and should be construed to provide that under the provisions thereof, ~~decedent devised his estate~~ the estate of decedent is devised as follows:
(State actual legal relationship of each devisee to decedent.)

9

11. That the following named persons are all the heirs of the decedent and their actual ~~legal~~ relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained.):

12. That the ~~residue of the estate of decedent for distribution consists of the following described property~~ property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ ~~comprising the following items~~ described as follows:

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real ~~estate~~ property situated in the County of _____, State of Minnesota, described as follows:

13. That the inheritance taxes on the herein described property have been paid or waived.

14. That any previous order determining testacy should be confirmed as it affects any previously omitted or unnotified persons and other interested persons.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That the final account of the personal representative(s) herein is approved.

3. That decedent's will~~,-if-any,~~ duly executed on _____, 19____, and ~~any~~ codicil or codicils thereto duly executed on _____, 19____, (is) (are) (hereby) (has or have been) formally probated and (is) (are) construed as above stated.

4. That the heirs of the decedent are determined to be as set forth above.

5. That the ~~residue-of-the-estate-of-the-deceedent~~ property of the decedent on hand for distribution is as above stated.

6. ~~That-the-personal-representative-herein-is-directed-to-eonvey-by Personal-Representive's-Deed-of-Distribution,-title-to-the-real and-personal-estate-described-herein,-subject-to-any-lawful-dispositions heretofore-made,-to-the-following-named-persons,-who-are-entitled thereto-as-all-the-distributees-of-the-deceedent,-in-the-following propertions-or-parts:~~

That the personal representative(s) herein (is) (are) directed to transfer title to the personal property described herein, and to convey title to the real property described herein by Personal Representative's Deed of Distribution, subject to any lawful disposition heretofore made, to the following named persons in the following proportions or parts:

7. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

8. That any previous order determining testacy is hereby confirmed as it affects any previously omitted or unnotified persons and other interested persons.

Dated: _____

_____
Judge

(COURT SEAL)

FILED:

Form 103 Minn. Stat. § 525.312 # 8 UPC--

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT—PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

DECREE OF DESCENT
(Testate) (Intestate)

The petition of _____, dated _____, 19___, for determination of descent in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19___, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for determination of descent is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner(s) (has) (have) declared or affirmed that the representations contained in the petition are true, correct and complete to the best ~~of his~~ knowledge or information of petitioner(s).

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

5. That the decedent died ___ testate at the age of _____ years on _____, 19____, at _____ and that more than three years have elapsed since the death of said decedent and it appears from the petition that the time limit for original appointment proceedings has expired.

6. That venue for this proceeding is in the above named County of the ~~7.~~ State of Minnesota, because the decedent was domiciled in such County at the time of ~~his~~ death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of ~~his~~ death.

~~6.~~ 7. That this Court has jurisdiction of this estate, proceeding and subject matter.

~~9.~~ 8. That no will or authenticated copy of a will of the decedent probated outside of this State in accordance with the laws in force in the place where probated has been probated nor administration had in this State.

~~11.~~ 9. That the petition does not indicate the existence of a possible unrevoked testamentary instrument which may relate to property subject to the laws of this State, and which is not filed for probate in this Court.

10. That decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (is) (are) formally probated by this order, and should be construed to provide that under the provisions thereof, the estate of decedent is devised as follows:

(State actual legal relationship of each devisee to decedent)

~~8. That the following named persons are all the heirs of the decedent, as identified in the petition commencing this proceeding:~~

~~10. That the original, duly executed and apparently unrevoked last will, if any, and codicil or codicils thereto, if any, of the decedent or authenticated copy thereof and statement probating the same is in the Court's possession.~~

~~11. That the petition does indicate that existence of a possible unrevoked testamentary instrument which may relate to property subject to the laws of this State, and which is not filed for probate in this Court.~~

11. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

~~12. That in and by decedent's last will, if any, the decedent devised the hereinafter described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent):~~

12. That the property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ described as follows:

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

~~That said decedent, at the time of death, was the owner of certain property described as follows, to-wit:~~

~~(A) The homestead of said decedent, situated in the County of _____, State of Minnesota, described as follows, to-wit:~~

~~(B) Other tract or tracts of land lying and being in the County of _____, State of Minnesota, described as follows, to-wit:~~

~~(C) Personal property consisting of the following items, to-wit:~~

~~14. That the terms of decedent's said will are valid and operative under the laws of the State of Minnesota, and that the following named persons are the devisees and/or heirs at law of said decedent and are all of the persons entitled to the property herein described, to-wit: (State proportion and actual relationship of each to decedent).~~

~~15.~~ 13. That the devisee(s) or (his) (her) (their) successors and assigns possess(es) the property devised in accordance with the will and codicil or codicils; any heir(s) or (his) (her) (their) successors and assigns possess(es) the property which passes to such heir(s) under the laws of intestate succession in force at the decedent's death; or such property was not possessed or claimed by anyone by virtue of the decedent's title during the time period for testacy proceedings.

~~16.~~ 14. That the inheritance taxes on the herein described property have been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (is) (are) hereby formally probated and construed as above stated.

3. That the heirs of the decedent are determined to be as set forth above.

4. That the property of the decedent on hand for distribution is as above stated.

5. That title to the personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons in the following proportions or parts:

~~2. That the real and personal estate described herein, subject to any lawful disposition heretofore, made, is hereby assigned to and vested in the following named persons in the following proportions or parts:~~

6. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

_____
Judge

(COURT SEAL)

FILED:

Form 104 Minn. Stat. §524.3-413 #6 UPC---

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT--PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

DECREE OF DESCENT
(Omitted property)
(Incorrectly described property)

The petition of _____, dated _____, 19____, for decree of descent (omitted property) (incorrectly described property) in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

~~1. That the petition for determination of descent is complete.~~

1. That the petition for decree of descent (omitted property) (incorrectly described property) is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner(s) (has) (have) ~~has~~ declared or affirmed that the representations contained in the petition are true, correct and complete to the best ~~of his~~ knowledge or information of the petitioner(s).

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

5. That the decedent died ___ testate at the age of _____ years on _____, 19____, at _____

~~7.~~ 6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of ~~his~~ death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of ~~his~~ death.

~~6.~~ 7. That this Court has jurisdiction of this estate, proceeding and subject matter.

~~9.~~ 8. That no will or authenticated copy of a will of decedent probated outside of this State in accordance with the laws in force in the place where probated has been admitted to probate nor administration had in this State except in the _____ Court of _____ County under file number _____ in which proceedings the (Order) (Decree) of (Distribution) (Descent) was entered on _____, 19____, wherein the hereinafter described real and/or personal property was (omitted) (incorrectly described). The (Order) (Decree) in which the real property hereinafter described was (omitted) (incorrectly described) was (filed) (recorded) in the Office of the (County Recorder) (Registrar of Titles), _____ County, Minnesota, on the _____ day of _____, 19____, and was duly recorded in Book _____ of _____, page _____, or was duly filed as Document No. _____.

9. That the said (Order) (Decree) contained the following incorrect description (s):

(A) Personal property:

(B) Real property:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota:

(2) Other real property situated in the County of _____, State of Minnesota:

~~10. That in and by decedent's last will, if any, the decedent devised the above described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to decedent).~~

10. That decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (was) (were) probated by the order of this Court dated _____, 19____, and (was) (were) construed to provide that under the provisions thereof, the hereinafter described property of decedent should be decreed as follows:

(State actual legal relationship of each devisee to decedent).

~~8. That the following named persons are all the heirs of the decedent, as identified in the petition commencing this proceeding:~~

11. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

~~11. That said decedent, at the time of death, was the owner of certain property correctly described as follows:~~

~~(A) The homestead of said decedent, situated in the County of _____, State of Minnesota, described as follows, to-wit:~~

~~(B) Other tract or tracts of land lying and being in the County of _____, State of Minnesota, described as follows, to-wit:~~

~~(C) Personal property consisting of the following items, to-wit:~~

12. That the previously (omitted) (incorrectly described) property of the decedent should be (included) (correctly described) herein as follows:

(A) Personal property of the value of $ _____ described as follows:

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

~~12. That the terms of decedent's said will are valid and operative under the laws of the State of Minnesota, and that the following named persons are the devisees and/or heirs at law of said decedent and are all of the persons entitled to the property herein described, to wit: (State proportion and actual relationship of each to decedent).~~

13. That the inheritance taxes on the herein described property have been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That title to the personal and real property ~~the real and personal estate~~ described herein, subject to any lawful disposition heretofore, made, is hereby assigned to and vested in the following named persons in the following proportions or parts:

3. That the prior (Order of Distribution) (Decree of Distribution) (Final Decree Summary Assignment for Distribution) (Decree of Descent) ~~of (Distribution) (Decent)~~ which is described above is amended or modified as provided herein, and is, in all other respects, confirmed.

4. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

(COURT SEAL)

_____
Judge

FILED:

Form 105 Minn. Stat. § 525.51 # 13 UPC--

STATE OF MINNESOTA

COUNTY OF _____

PROBATE COURT
COUNTY COURT--PROBATE DIVISION
Court File No. _____

In Re: Estate of

_____
Deceased

FINAL DECREE
SUMMARY ASSIGNMENT OR DISTRIBUTION
(Exempt estate) (Non-exempt estate)
(Testate) (Intestate)

The petition of _____, dated _____, 19____, for sumary assignment or distribution of the estate of the above named decedent having come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

1. That the petition for summary assignment or distribution is complete.

2. That the time for any notice has expired and any notice as required by the laws of this State has been given and proved.

3. That the petitioner(s) (has) (have) has declared or affirmed that the representations contained in the petition are true, correct and complete to the best ~~of his~~ knowledge or information of the petitioner(s).

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

5. That the decedent died ____testate at the age of _____ years on _____, 19____, at _____.

6. That venue for this proceeding is in the above named County of the State of Minnesota, because the decedent was domiciled in such County at the time of death, and was the owner of property located in the State of Minnesota, or because, though not domiciled in the State of Minnesota, the decedent was the owner of property located in the above named County at the time of death.

7. That this Court has jurisdiction of this estate, proceeding and subject matter.

8. That decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (is) (are) formally probated by this order, or (was) (were) probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, the estate of decedent is devised as follows:

(State actual legal relationship of each devisee to decedent)

~~8. That the estate of said decedent consists of the following property, to wit:~~

~~(A) Personal property of the value of $ _____ comprising the following items, viz.:~~

~~(B) Real property described as follows: The homestead of decedent situated in the County of _____ and State of Minnesota, described as follows, to wit:~~

~~(C) Other tracts of land lying and being in the County of _____ and State of Minnesota, described as follows, to wit:~~

~~9. That all of said property is either exempt from all debts and charges in the Probate Court or may be appropriated in kind in reimbursement or payment of the allowances to spouse and minor children mentioned in M.S.A. Section 525.15, expenses of an administration, funeral expenses, expenses of last illness, debts having a preference under the laws of the United States, and taxes, or otherwise qualified for summary assignment and distribution pursuant to M.S.A. Section 525.51.~~

9. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

~~10. That in and by decedent's last will, if any, the decedent devised the hereinafter described property to the following named beneficiaries in the following proportions or parts: (State actual legal relationship of each to deceedent).~~

10. That the following named persons are preferred obligees of the estate of the decedent, and are all of the persons entitled to reimbursement (State the legal relationship of each obligee to decedent, the nature of the preference and proportion of the estate entitled to by each):

~~11. That the following named persons are the devisees and/or heirs and/or preferred obligees of the estate of said deceedent, and are all of the persons entitled to the estate of the decedent, to wit: (State proportion and actual legal relationship to deceedent).~~

11. That the property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ described as follows:

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

12. That all of said property is either exempt from all debts and charges in the Probate Court or may be appropriated in kind in reimbursement or payment of the allowances to spouse and minor children mentioned in M.S.A. Section 525.15, expenses of administration, funeral expenses, expenses of last illness, debts having a preference under the laws of the United States, and taxes, or otherwise qualified for summary assignment or distribution pursuant to M.S.A. Section 525.51.

~~12.~~ 13. That there is no need for the appointment of a personal representative and that the administration should be closed by summary assignment or distribution as hereinafter ordered, adjudged and decreed.

14. That the inheritance taxes on the herein described property have been paid or waived.

NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED by the Court as follows:

1. That the petition is hereby granted.

2. That decedent's last will ~~dated~~ duly executed on _____, 19____, and codicil or codicils thereto~~, if any,~~ duly executed on _____, 19____, (is) (are) (has or have been) formally probated and (is) (are) construed as above stated.

3. That the heirs of the decedent are determined to be as set forth above.

4. That the property of the decedent on hand for distribution is as above stated.

~~3. That title to the real and personal estate described herein is hereby assigned and vested in the following named persons, who are entitled thereto as all the distributees of the deceedent, subject to any lawful disposition heretofore made, in the following propertions or parts:~~

5. That title to the personal and real property described herein, subject to any lawful disposition made, is hereby assigned to and vested in the following named persons in the following proportions or parts (State as devisee, as heir or obligee):

6. That the lien of inheritance taxes, if any, on the above described property is hereby waived.

Dated: _____

_____
Judge

(COURT SEAL)

FILED:

Form No. 106

BONA FIDE PURCHASER DECLARATION
(pursuant to Minnesota Statutes 291.14 Subd. 4)
AND AFFIDAVIT OF NO SELF DEALING

ESTATE OF _____

_____

_____ , DECEDENT.

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

(reserved for recording data)

_____ , being first duly sworn, states:

1. That affiant is the personal representative of the Estate of the above-named decedent, in _____ County Probate File No. _____, who died on _____, 19 ___ , in _____ County, Minnesota.
2. That affiant's address is: _____ ;
3. That assets of the probate estate of said decedent include real property in the County of _____, State of Minnesota, described as follows:

(If more space is needed, continue on back)

4. That affiant (sold) (mortgaged) (leased) the above described real property by instrument dated _____ , 19 ___, to _____ , a bona fide purchaser for the full consideration of $ _____ :
5. That this transaction does not constitute a sale, mortgage or lease to affiant, affiant's personal agent or attorney, or any corporation or trust in which affiant has a substantial beneficial interest, and furthermore, this sale is not a transaction which is affected by a substantial conflict of interest on the part of affiant.

Subscribed and sworn to before me this _____ day of _____ , 19 ___ .

_____
Notary Public

Notarial Stamp or Seal

_____
Personal Representative

This instrument was drafted by:

_____

_____

_____

NOTICE: CERTIFIED COPY OF LETTERS MUST BE ATTACHED TO THIS AFFIDAVIT, OR IT CANNOT BE RECORDED.

Form No. 107—Personal Representative's Deed of Distribution
Individual Personal Representative

Note: This deed should be used only for distribution.

Transfer entered on

_____, 19 ____

_____
County Auditor

by _____
Deputy

Date: _____, 19 ____

NO STATE DEED TAX DUE HEREON

(reserved for recording data)

_____, Grantor,

as Personal Representative of the Estate of _____
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____, Grantee(s), real property in _____,
County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA
} ss.
COUNTY OF _____

_____

_____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____
_____, as Personal
Representative of the Estate of _____, Decedent.

Notarial Stamp or Seal

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. 108. Personal Representative's Deed of Distribution
Corporate Personal Representative
Note: This deed should be used only for distribution.

Transfer entered on

_____, 19____

_____
County Auditor

by _____
Deputy

Date: _____, 19____

NO STATE DEED TAX DUE HEREON

(reserved for recording data)

_____, Grantor,
a _____ under the laws of _____, as Personal Representative of the
Estate of _____, Decedent,
single ☐, married ☐ at the time of death, hereby conveys to _____
_____, Grantee(s), real property in
_____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

By: _____
Its: _____

STATE OF MINNESOTA
COUNTY OF _____ } ss.

By: _____
Its: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____ and _____,
the _____ and _____
of _____, a _____,
under the laws of _____, as Personal Representative of the Estate of
_____, Decedent, on behalf of the _____.

Notarial Stamp or Seal

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. 102 Personal Representative's Deed
Individual Personal Representative
to Individual (s)

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____ , 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____ , 19 ____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____ , Grantee(s), real property in _____ ,
County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____

The foregoing instrument was acknowledged before me this _____ day of _____ , 19____,
by _____, as Personal Representative of the Estate of
_____ , Decedent.

_____
Notary Public

Notarial Stamp or Seal

_____ , SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of
_____ , 19____, by _____ , spouse of
_____ , Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. 110 Personal Representative's Deed
Individual Personal Representative to Corporation or Partnership

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
as Personal Representative of the Estate of _____,
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____, Grantee, a _____ under the laws of
_____, real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____

_____

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____, as Personal Representative of the Estate of
_____, Decedent.

Notarial Stamp or Seal

_____
Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of
_____, 19____, by _____, spouse of
_____, Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No 111-Personal Representative's Deed
Individual Personal Representative to Joint Tenants

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____ , 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____ , 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
as Personal Representative of the Estate of _____
Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____
_____, Grantees, as joint tenants, real property in
_____County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
_____

The foregoing instrument was acknowledged before me this _____ day of _____ , 19____,
by _____
_____, as Personal
Representative of the Estate of _____, Decedent.

Notarial Stamp or Seal

_____
Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of
_____ , 19____, by _____ , spouse of
_____, Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. 112 Personal Representative's D
Corporate Personal Representative to Individ(s)

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____ , 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____ , 19 ____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
a _____ under the laws of _____, as Personal Representative of the Estate of _____ , Decedent, single ☐ , married ☐ at the time of death, hereby conveys to _____
_____, Grantee(s), real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

By: _____
Its: _____

STATE OF MINNESOTA
COUNTY OF _____ } ss.

By: _____
Its: _____

The foregoing instrument was acknowledged before me this ____ day of _____ , 19____, by _____ and _____, the _____ and _____ of _____, a _____, under the laws of _____, as Personal Representative of the Estate of _____, Decedent, on behalf of the _____ .

_____
Notary Public

_____ , SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____ , 19____, by _____ , spouse of _____ , Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. 113 - Personal Representative's D...
Corporate Personal Representative to Corpor... or Partnership

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____ , 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON:$ _____

Date: _____ , 19 ____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____
_____, Grantor,
a _____ under the laws of _____, as Personal Representative of the Estate of _____, Decedent, single ☐ , married ☐ at the time of death, hereby conveys to _____, Grantee, a _____ under the laws of _____, real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

By: _____
Its: _____

By: _____
Its: _____

STATE OF MINNESOTA
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____ and _____, the _____ and _____ of _____, a _____, under the laws of _____, as Personal Representative of the Estate of _____, on behalf of the _____ .

Notarial Stamp or Seal

_____
Notary Public

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

Form No. 114 Personal Representative's Deed
Corporate Personal Representative to Joint Tenants

No delinquent taxes; certificate of real estate value received; and transfer entered

on _____, 19____

_____
County Auditor

by _____
Deputy

STATE DEED TAX DUE HEREON: $ _____

Date: _____, 19____

(reserved for recording data)

FOR VALUABLE CONSIDERATION, _____, Grantor, a _____ under the laws of _____, as Personal Representative of the Estate of _____, Decedent, single ☐, married ☐ at the time of death, hereby conveys to _____, Grantees, as joint tenants, real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

_____

By: _____
Its: _____

STATE OF MINNESOTA
COUNTY OF _____ } ss.

By: _____
Its: _____

The foregoing instrument was acknowledged before me this ____ day of _____, 19____, by _____ and _____ the _____ and _____ of _____, a _____, under the laws of _____, as Personal Representative of the Estate of _____, as Decedent, on behalf of the _____.

_____
Notary Public

Notarial Stamp or Seal

_____, SPOUSE OF DECEDENT, CONSENTS TO THIS DEED.
Name of Spouse

STATE OF MINNESOTA
COUNTY OF _____ } ss.

_____
Signature of Spouse

The foregoing instrument was acknowledged before me this _____ day of _____, 19____, by _____, spouse of _____, Decedent.

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

_____
_____
_____

Statements for real estate taxes on the real property described herein should be sent to:

_____
_____
_____

APPROVED AS TO FORM AND LEGALITY

AUG. 14 1978 19___

WARREN SPANNAUS, ATTORNEY GENERAL

BY Lee E. Sheely

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1978
Joan Anderson Growe
Secretary of State
9:30 A.M.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF COMMERCE
SECURITIES DIVISION

In the Matter of the Proposed Adoption of the Uniform Conveyancing Blanks by the Securities Division to Replace Uniform Conveyancing Blanks 35-40, 88-90, originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. Ch. 507.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing in St. Paul on March 15, 1978 before Steve M. Mihalchick, Hearing Examiner assigned by the Chief Hearing examiner.

This is a rules hearing pursuant to Minn. Stat. Ch. 15 to determine whether the proposed Uniform Conveyancing Blanks should be adopted. Under the provisions of Minn. Stat. § 507.09, the blanks are equivalent to rule.

Thomas E. Collins, staff attorney, and Robert C. Carlson, Special Assistant Attorney General, appeared for the Securities Division, Department of Commerce. Steve A. Brand, Esq. of Briggs & Morgan, and Allen E. Mulligan, Esq. of Larkin, Hoffman, Daly & Lindgren appeared as members of the Uniform Conveyancing Blanks Advisory Committee. Four other persons attending the hearing signed the hearing register. The hearing continued until all interesed persons had an opportunity to participate.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Commissioner of Securities shall, if he proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including his Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall

complete his review and submit his report to the Commissioner on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Commissioner shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On January 18, 1978, the Commissioner filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) The Order for Hearing
(c) The Notice of Hearing.

2. On February 2, 1978, the Commissioner mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

3. On February 6, 1978, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 1463.

4. On February 9, 1978, the Commissioner filed the following documents:

(a) The Affidavit of Receipt of the Secretary of State's list;
(b) The Affidavit of Mailing;
(c) The Secretary of State's Certificate and list; and
(d) The Statement of Need, including the names of witnesses to be called.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. At the request of the Commissioner, the Examiner ordered that the record remain open through March 24, 1978, for the receipt of written comments and statements.

STATUTORY AUTHORITY

6. Laws 1975, Chapter 61, § 26, amended Minn. Stat. § 507.09 as follows:

"The commissioner of securities may appoint an advisory committee on uniform conveyancing forms to recommend to the commissioner of securities amendments to existing forms or the adoption of new forms. The commissioner of securities may adopt amended or new forms consistent with the laws of this state by rule in accordance with chapter 15."

7. The 1974 session of the Minnesota Legislature passed a substantial portion of the Uniform Probate Code (UPC). The provisions passed in 1974 were to become effective on August 1, 1975, but the 1975 session of the Legislature extended the effective date to January 1, 1976 and enacted still more provisions of the UPC. The adoption of the UPC made many of the existing forms obsolete and new forms were needed which could be used under the Code. When the Uniform Conveyancing Blanks Advisory Committee appointed by the Commissioner met, it determined that the most immediate need was the preparation of a set of probate decrees and personal representative's deeds. Fourteen new blanks drafted and recommended by the Advisory Committee constitute the proposed rules.

PROPOSED DEED BLANKS

8. When reviewing the existing deed blanks, the Committee determined the most urgent need was for revised deeds used by personal representatives in probate matters. The Committee found that necessary information was missing from the deed blanks currently being published and that these deed blanks also requested extraneous information already disclosed by other recorded documents. The Committee recommended the following eight blanks, captioned as follows, at the hearing:

Personal Representative's Deed
Individual Personal Representative
to Individual(s);

Personal Representative's Deed
Corporate Personal Representative
to Individual(s);

Personal Representative's Deed
Individual Personal Representative
to Joint Tenants;

Personal Representative's Deed
Corporate Personal Representative
to Joint Tenants;

Personal Representative's Deed
Individual Personal Representative
to Corporation or Partnership;

Personal Representative's Deed
Corporate Personal Representative
to Corporation or Partnership;

Personal Representative's Deed
of Distribution Individual
Personal Representative;

Personal Representative's Deed
of Distribution Corporate
Personal Representative.

9. The proposed deed blanks attempt to place all information on the face of the deed in order to reduce recording costs and make reproduction of documents simpler. Space is included on the face of the proposed deed blanks for recording data and for the county auditor's endorsement; thus, photocopying and microfilming of these documents will require half the time, effort and expense. The back of the deed is left blank, however, for lengthy legal descriptions.

10. The language of the proposed deed blanks has been stated in more contemporary and concise form. This was done by the Committee in part to allow lay persons to handle probate proceedings without the assistance of counsel, and in general to make the deeds more understandable.

11. The various recitations ("Whereas" paragraphs) contained in the existing forms of deeds are not stated in the proposed deed blanks because they recite information which will appear of record through other documents recorded prior to or simultaneously with the recording of the deed.

12. The proposed deed blanks provide necessary information not contained in the old blanks. These blanks recite the marital status of the decedent at the time of death, information which is necessary for those examining title. The proposed blanks for use in a situation where the personal representative sells the property of the decedent contain space for consent (with acknowledgment) to the deed by the spouse of the decedent as required by Minn. Stat. § 525.145. The proposed blanks also contain spaces

for the name and address of the person drafting the deed and the address to which real estate tax statements should be sent as required by Minn. Stat. §§ 507.091 and 507.092. Finally, the proposed deeds of distribution, which do not require a recitation of payment of delinquent taxes, include a statement that no state deed tax is required in the UPC forms.

13. Criticism was received by written mailed statement prior to the hearing which objected to the use of special deeds for every particular situation and noted the attempt by the Governor of Minnesota to cut down on unnecessary waste in government. The Advisory Committee members present at the hearing responded that the Committee had considered drafting one deed blank to be used by the personal representative for every situation. Because untrained persons, as well as lawyers, will be using these forms, a significant possibility of error would arise from the use of a single form that would have to be adapted to a variety of situations. (In other words, there would be too many fill-ins and cross-outs.) Thus, it is reasonable to provide various forms for the numerous entities and numbers of grantors and grantees.

PROPOSED DECREE BLANKS

14. The proposed decree blanks are to be used in closing estates and will replace forms prepared for the 1931 Probate Code which are now outdated under the Uniform Probate Code. The proposed decree forms are the result of redrafting earlier forms which had been drafted by a committee established by the Minnesota Bar Association and County Judges Association. The forms drafted by this committee were prepared for use under the UPC and were completed and approved by the County Judges prior to the effective date of the UPC, January 1, 1976.

15. The Uniform Conveyancing Blanks Advisory Committee determined that the decree forms prepared by the earlier committee had two basic problems. The first problem was the appearance of

redundancy in all the decree blanks when listing heirs and devisees and the ultimate disposition of the estate. Specifically, the body of the Findings contained a finding related to the decedent's heirs, followed by a finding relating to the disposition made under the decedent's will. A third finding listed how the property would be decreed, either pursuant to the statute, or under the will. The Order portion of the decree then made a statement that the property was decreed or ordered to be distributed as stated above. This caused confusion as to which paragraph of the Findings was being referred to in the Order.

In order to solve this problem, the Committee reduced the paragraphs of findings from three to two. One paragraph of the proposed decree blanks states the heirs of the decedent and the relationship. The second paragraph states the devisees under the will. If the decedent died testate, the first paragraph would be lined out. If the decedent died intestate, the second paragraph would be lined out and the first paragraph would be completed. The Order on the proposed decree blanks lists the names of the individuals who received the property and what assets or shares they received.

16. The second problem with the initial decree blanks drafted for use with the UPC was the statement about inheritance taxes. The Findings in the initial forms seemed to indicate that the court found the taxes to be waived; however, the Finding should state that the inheritance taxes have either been paid or have been waived by another proceeding. The Order on the proposed decree blanks now state instead that the lien of the inheritance taxes is waived.

17. The proposed decree blanks are uniform for all types of proceedings. The language in the proposed decree blanks has been changed from the initial forms in order to make it neutral as to gender.

18. The proposed decree blanks are captioned as follows:

Order of Complete Settlement of the Estate and Decree of Distribution, Form 524.3-1002 #6;

Order of Complete Settlement of the Estate and Order of Distribution, Form 524.3-1002 #7;

Decree of Descent, Form 525.318 #8;

Decree of Descent (Omitted Property) (Incorrectly described Property), Form 524.3-413 #6;

Final Decree Summary Assignment or Distribution, Form 525.51 #13;

Bona Fide Purchase Declaration and Affidavit of No Self Dealing.

19. Non-substantial changes in the above-captioned proposed decree blanks were proposed at the hearing by members of the public and by members of the Committee. Most of the proposed amendments were deemed acceptable by the members of the advisory committee present at the hearing and are attempts to clarify original language. The amendments are found in Exs. K and L. No written comment has been received by the Hearing Examiner since the hearing proposing additional amendments or criticizing the committee's proposed amendments.

CONCLUSIONS

1. Due, timely and adequate notice of the hearing was properly served and published by the Department. All other substantive and procedural requirements have been fulfilled.

2. The Department has demonstrated its statutory authority to adopt the proposed forms.

3. The Department has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts. The forms recommended by the Advisory Committee, as amended in Exs. K and L, accomplish their required tasks in language and form that is reasonably clear, concise, complete and instructive. The universal agreement of all interested persons attests both to the reasonableness of the forms and to the success of the effort of the Department and the Advisory Committee to involve all interested persons during the drafting of the forms.

RECOMMENDATION

The Hearing Examiner recomnends that the proposed forms be modified as shown in Exs. K and L, and that, so modified, they be adopted.

Dated this 21st day of April, 1978.

STEVE M. MIHALCHICK
Hearing Examiner

Exhibit K

ORDER OF COMPLETE SETTLEMENT
OF THE ESTATE AND
DECREE OF DISTRIBUTION

A. The introductory paragraph should be changed to read:

The petition of _____ dated _____, 19____, for an order of complete settlement of the estate and decree of distribution in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following finds and determinations:

This change adds space for the date of the Court hearing.

B. Paragraph number 3 should be changed to read:

3. That the petitioner(s) (has)(have) declared or affirmed that the representations contained in the petition are true, correct and complete to the best knowledge or information of the petitioner(s).

This change allows for the situation where there are multiple petitioners. The change also eliminates masculine references and makes all references to petitioner(s) neutral as to gender.

C. Paragraph numbered 4 should be changed to read:

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

This conforms to the comment to Item #B above.

D. Paragraph numbered 6 should be changed to eliminate the word "his" before the word "death" each time it is used in the paragraph. Again, this change neutralizes the language.

E. Paragraph numbered 9 should be changed to read:

9. That a final account has been filed herein by the personal representative(s) for consideration and approval.

This change is necessary for multiple petitioners.

F. Paragraph numbered 10 should be changed to read:

10. The decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (was)(were) probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, the estate of decedent is devised as follows:
(State actual legal relationship of each devisee to decedent).

Dep's K

This change cleans up the language by adding space for the date of execution of codicil(s) and the date of the Court's order probating the will. The change in the last phrase before the colon (":") neutralizes the language.

G. Paragraph numbered 11 should be changed to read:

11. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

This change clarifies the language.

H. Paragraph numbered 12 should be changed to read:

12. That the property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ described as follows:

[Adequate space for description]

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

These changes, in addition to clarifying language, permit the decree to cover property on hand, whether it be residue or subject to specific devise.

I. Paragraph numbered 3 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be changed to read:

3. That decedent's will, duly executed on _____, 19____, and codicil or codicils thereto, duly executed on _____, 19____, [(is)(are)] formally probated and [(is)(are)] hereby construed as above stated. [(has)(have) been]

These changes conform to those recommended in Item #F above.

J. Paragraph numbered 5 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be changed to read:

5. That the property of the decedent on hand for distribution is as above stated.

This change conforms with Item #H above.

K. Paragraph numbered 6 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be changed to read:

6. That title to the personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons, ~~who are entitled thereto as all the distributees of the decedent,~~ in the following proportions or parts:

This change conforms with Item #G above.

At hearing: delete this line, too, just repeats findings. Brand.

ORDER OF COMPLETE SETTLEMENT-
OF THE ESTATE AND
ORDER OF DISTRIBUTION

A. The introductory paragraph should be changed to read:

The petition of _____ dated _____, 19____, for an order of complete settlement of the estate and decree of distribution in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

This change adds space for the date of the Court hearing.

B. Paragraph numbered 3 should be changed to read:

3. That the petitioner(s) (has)(have) declared or affirmed that the representations contained in the petition are true, correct and complete to the best knowledge or information of petitioner(s).

This change allows for the situation where there are multiple petitioners. The change also eliminates masculine references and makes all references to petitioner(s) neutral as to gender.

C. Paragraph numbered 4 should be changed to read:

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

This conformed to the comment to Item #B above.

D. Paragraph numbered 6 should be changed to eliminate the word "his" before the word "death" each time it is used in the paragraph. Again, this change neutralizes the language.

E. Paragraph numbered 9 should be changed to read:

9. That a final account has been filed herein by the personal representative(s) for consideration and approval.

This change is necessary for multiple petitioners.

F. Paragraph numbered 10 should be changed to read:

10. That decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (was)(were) probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, the estate of decedent is devised as follows:

(State actual legal relationship of each devisee to decedent).

This change cleans up the language by adding space for the date of execution of codicil(s) and the date of the Court's order probating the will. The change in the last phrase before the colon (":") neutralizes the language.

G. Paragraph numbered 11 should be changed to read:

> 11. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

This change clarifies the language.

H. Paragraph numbered 12 should be changed to read:

> 12. That the property of the decedent on hand for distribution consists of the following:
>
> (A) Personal property of the value of $_____ described as follows:
>
> [Adequate space for description]
>
> (B) Real property described as follows:
>
> (1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:
>
> [Adequate space for description]
>
> (2) Other real property situated in the County of _____, State of Minnesota, described as follows:

These changes, in addition to clarifying language, permit the decree to cover property on hand, whether it be residue or subject to specific devise.

I. Paragraph numbered 3 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be changed to read:

> 3. That decedent's will, duly executed on _____, 19_____, and codicil or codicils thereto, duly executed on _____, 19_____, (is)(are) formally probated and construed as above stated.

These changes conform to those recommended in Item #F above.

J. Paragraph numbered 5 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be changed to read:

5. That the property of the decedent on hand for distribution is as above stated.

This change conforms with Item #H above.

K. Paragraph numbered 6 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be changed to read:

> 6. That the personal representative(s) herein (is)(are) directed to transfer title to the personal property described herein, and to convey title to the real property described herein by Personal Representative's Deed of Distribution, subject to any lawful disposition heretofore made, to the following named persons, who are entitled thereto as all the distributees of the decedent, in the following proportions or parts:

This change conforms with Item #G above.

DECREE OF DESCENT

A. The caption should be changed to read:

DECREE OF DESCENT
(Testate) (Intestate)

This change is to clarify whether the construction of a will is involved.

B. The introductory paragraph should be changed to read:

> The petition of _____ _____ dated _____, 19____, for determination of descent in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

This conforms to the language of all the other decrees.

C. Paragraph numbered 3 should be changed to read:

> 3. That the petitioner(s) (has)(have) declared or affirmed that the representations contained in the petition are true, correct and complete to the best knowledge or information of petitioner(s).

This conforms to the language of all the other decrees.

D. Paragraph numbered 4 should be changed to read:

> 4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

E. Paragraph numbered 7 should be renumbered as paragraph numbered 6 and the word "his" should be eliminated before the word "death" wherever it occurs in the paragraph. This conforms to the language and order of the other decrees.

F. Paragraph numbered 6 should be renumbered as paragraph numbered 7. This conforms to the language and order of the other decrees.

G. Paragraph numbered 9 should be renumbered as paragraph numbered 8. This conforms to the language and order of the other decrees.

H. Paragraphs numbered 8 and 10 should be deleted and replaced as described below.

I. Paragraph numbered 11 should be renumbered as paragraph numbered 9.

J. A new paragraph numbered 10 should be added which reads:

10. That decedent's last will duly executed on _____, 19_____, and codicil or codicils thereto duly executed on _____, 19_____, (is)(are) formally probated by this order, and should be construed to provide that under the provisions thereof, the estate of decedent is devised as follows:

(State actual legal relationship of each devisee to decedent).

This substitutes for the deleted paragraph numbered 10 and conforms to the language and order of the other decrees.

K. A new paragraph numbered 11 should be added which reads:

11. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

This substitutes for the deleted paragraph numbered 8 and conforms to the language and order of the other decrees.

L. Paragraph numbered 12 should be deleted. Adequately covered by new paragraph numbered 10 stated at Item #J above.

M. Paragraph numbered 13 should be renumbered as paragraph numbered 12 and changed to read:

12. That the property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ described as follows:

[Adequate space for description]

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

This change conforms to the language and order of the other decrees.

N. Paragraph numbered 14 should be deleted. Language is archaic and no longer required by the statute.

O. Paragraph numbered 15 should be renumbered as paragraph numbered 13 and changed to read:

> 13. That the devisee(s) or (his)(her)(their) successors and assigns possess(es) the property devised in accordance with the will and codicil or codicils; any heir(s) or (his)(her)(their) successors and assigns possess(es) the property which passes to such heir(s) under the laws of intestate succession in force at the decedent's death; or such property was not possessed or claimed by anyone by virtue of the decedent's title during the time period for testacy proceedings.

This language conforms to the style of the other decrees. The substance is required by statute.

P. Paragraph numbered 16 should be renumbered as paragraph numbered 14.

Q. Paragraph numbered 2 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be deleted and replaced as described below.

R. New paragraphs numbered 2, 3, 4 and 5 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be added to read:

> 2. That decedent's will dated _____, 19____, and codicil or codicils thereto dated _____, 19____, (is)(are) hereby formally probated and construed as above stated.
>
> 3. That the heirs of the decedent are determined to be as set forth above.
>
> 4. That the property of the decedent on hand for distribution is as above stated.
>
> 5. That title to the personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons, in the following proportions or parts:

This conforms to the language of the other decrees.

S. Paragraph numbered 3 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED, and DECREED, etc." sentence) should be renumbered as paragraph numbered 6.

DECREE OF DESCENT
(Omitted property)
(Incorrectly described property)

A. The introductory paragraph should be changed to read:

The petition of _____ _____ dated _____, 19____, for decree of (omitted property)(incorrectly described property) in the estate of the above named decedent having duly come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered such petition, being fully advised in the premises, makes the following findings and determinations:

This change conforms to the language of the other decrees.

B. Paragraph numbered 1 should be changed to read:

1. That the petition for decree of descent (omitted property)(incorrectly described property) is complete.

This change conforms with the caption.

C. Paragraph numbered 3 should be changed to read:

3. That the petitioner(s) (has)(have) declared or affirmed that the representations contained in the petition are true, correct and complete to the best knowledge or information of petitioner(s).

This change conforms to the language of the other decrees.

D. Paragraph numbered 4 should be changed to read:

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

This change conforms to the language of the other decrees.

E. Paragraph numbered 7 should be renumbered as paragraph numbered 6. This change conforms to the order of the other decrees.

F. Paragraph numbered 6 should be renumbered as paragraph numbered 7 and the word "his" should be eliminated each time it appears before the word "death". This change conforms to the other decrees.

G. Paragraph numbered 9 should be renumbered as paragraph numbered 8 and changed to read:

8. That no will or authenticated copy of a will of decedent probated outside of this State in accordance with the laws in force in the place where probated has been admitted to probate nor administration had in this State except in the _____ Court of _____ County under file number _____ in which proceedings the (Order)(Decree) of (Distribution)(Descent) was entered on _____, 19____, wherein the hereinafter described real and/or personal property was (omitted)(incorrectly described). The (Order)(Decree) in which the real property hereinafter was (omitted)(incorrectly described) was (filed)(recorded) in the Office of the (County Recorder) (Registrar of Titles), _____ County, Minnesota, on _____ day of _____, 19____, and was duly recorded in Book _____ of _____, page _____, or was duly filed as Document No. _____.

This conforms to the style of the other decrees.

H. A new paragraph numbered 9 should be added to read:

9. That the ~~[~~incorrectly described~~]~~ property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ incorrectly described as follows:

[Adequate space for description]

(B) Real property ~~[~~incorrectly described~~]~~ as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, incorrectly described as follows:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota, incorrectly described as follows:

[Adequate space for description]

This change conforms to the style of the other decrees.

I. Paragraph numbered 10 should be changed to read:

10. That decedent's last will duly executed on _____, 19____, and codicil or codicils thereto duly executed on _____, 19____, (was)(were) probated by the order of this Court dated _____, 19____, and should be construed to provide that under the provisions thereof, the hereinafter (omitted)(correctly described) estate of decedent is devised as follows:

(State actual legal relationship of each devisee to decedent).

This change conforms to the language of the other decrees.

J. Paragraph numbered 8 should be renumbered paragraph numbered 11 and read:

11. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

K. Paragraph numbered 12 should be deleted. This language is archaic and obsolete and no longer required by law.

Paragraph #11 is omitted and

L. A new paragraph numbered 12 should be added to read:

12. That the correctly described property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ described as follows:

[Adequate space for description]

(B) Real property described as follows:

(1) The homestead of the decedent (omitted) (correctly described) situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

This change conforms to the style of the other decrees.

M. Paragraph numbered 2 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be changed to read:

2. That title to the correctly described personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons, in the following proportions or parts:

N. Paragraph numbered 3 (after the "NOW, THEREFORE, it is ORDERED ADJUDGED and DECREED, etc." sentence) should be changed to read:

3. That the prior (Order of Distribution)(Decree of Distribution)(Final Decree Summary Assignment or Distribution) (Decree of Descent) which is described above is amended or modified as provided herein, and is, in all other respects, confirmed.

FINAL DECREE
SUMMARY ASSIGNMENT OR DISTRIBUTION
(Exempt estate) (Non-exempt estate)
(Testate) (Intestate)

A. The caption should be changed to read:

FINAL DECREE
SUMMARY ASSIGNMENT OR DISTRIBUTION
(Exempt estate) (Non-exempt estate)
(Testate) (Intestate)

This change reflects the statutory options available for this proceeding.

B. The introductory paragraph should be changed to read:

The petition of _____ _____ dated _____, 19____, for summary assignment or distribution of the estate of the above named decedent having come on for hearing before the above named Court on _____, 19____, the undersigned Judge having heard and considered the such petition, being fully advised in the premises, makes the following findings and determinations:

This change conforms with the language of the other decrees.

C. Paragraph numbered 3 should be changed to read:

3. That the petitioner(s) (has) (have) declared or affirmed that the representations contained in the petitions are true, correct and complete to the best knowledge or information of petitioner(s).

This change conforms with the language of the other decrees.

D. Paragraph numbered 4 should be changed to read:

4. That the petitioner(s) appear(s) from the petition to be (an) interested person(s) as defined by the laws of this State.

This change conforms with the language of the other decrees.

E. A new paragraph numbered 8 should be inserted to read:

8. That decedent's last will duly executed on _____ _____, 19____, and codicil or codicils thereto duly executed on _____, 19____ (is) (are) formally probated by this order, and should be construed to provide that under the provisions thereof, the estate of decedent is devised as follows:

(State actual legal relationship of each devisee to decedent)

This change conforms with the language and order of the other decrees.

F. A new paragraph numbered 9 should be inserted to read:

9. That the following named persons are all the heirs of the decedent and their actual relationship to decedent is as stated (If decedent died testate, do not list heirs unless all heirs are ascertained):

This change conforms with the language and the order of the other decrees.

G. Paragraph numbered 11 should be renumbered as paragraph numbered 10 and read:

10. That the following named persons are preferred obligees of the estate of the decedent, and are all of the persons entitled to reimbursement (State the legal relationship of each obligee to decedent, the nature of the preference and proportion of the estate entitled to by each):

H. Paragraph numbered 8 should be renumbered as paragraph numbered 11 and read:

11. That the property of the decedent on hand for distribution consists of the following:

(A) Personal property of the value of $_____ described as follows:

[Adequate space for description]

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

This change conforms to the language and order of the other decrees.

Delete 8 & 9 and

I. A new paragraph numbered 12 should be added to read:

12. That all of said property is either exempt from all debts and charges in the Probate Court or may be appropriated in kind in reimbursement or payment of the allowances to spouse and minor children mentioned in M.S.A. Section 525.15, expenses of administration, funeral expenses, expenses of last illness, debts having a preference under the laws of the United States, and taxes, or otherwise qualified for summary assignment or distribution pursuant to M.S.A. Section 525.51.

This language is required by statute.

J. Paragraph numbered 12 should be renumbered as paragraph numbered 13.

K. A new paragraph numbered 14 should be added to read:

> 14. That the inheritance taxes on the herein described property have been paid or waived.

This change conforms to the language of the other decrees! required by law.

L. Paragraph numbered 2 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be changed to read:

> 2. That the decedent's said will dated _____, 19____, or codicils thereto, dated _____, 19____, (is)(are) formally probated and construed as above stated. Amend is previous described.

This change conforms to the lanugage of the other decrees.

M. Now paragraphs 3 and 4 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be added to read:

> 3. That the heirs of the decedent are determined to be as set forth above.
>
> 4. That the property of the decedent on hand for distribution is as above stated.

These changes conform to the language of the other decrees.

N. Paragraph numbered 3 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be renumbered as paragraph numbered 5 to read:

> 5. That title to the personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons, in the following proportions or parts (State as devisee, as heir or as obligee):

This change conforms to the language of the other decrees except statutory use of summary proceeding for reimbursement of persons paying debts.

O. Paragraph numbered 4 (after the "NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, etc." sentence) should be renumbered as paragraph numbered 6.

LAW OFFICE

BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

2200 FIRST NATIONAL BANK BUILDING

SAINT PAUL, MINNESOTA 55101

(612) 291-1215

RECEIVED
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ROBYN L. HANSEN
RONALD L. ABRAMS

COUNSEL
ROBERT O. SULLIVAN
HAROLD J. KINNEY

March 20, 1978

Mr. Steve M. Mihalchick
Hearing Examiner
State of Minnesota
Office of Hearing Examiners
1745 University Avenue
Room 300
Saint Paul, Minnesota 55104

Re: In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division, Department of Commerce, to replace Uniform Conveyancing Blanks 35-40, 88-90, originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. Section 507 - Docket #SEC-78-012-SM

Dear Mr. Mihalchick:

This letter will constitute a written supplement to the testimony which I presented at the hearing on the above captioned matter on March 15, 1978. Specifically supplemented is the testimony relating to the "Decree of Descent (Omitted Property) (Incorrectly Described Property)".

Part of my testimony related to revisions to the forms published in the State Register, which were labeled Items A through N. Item H was discussed and appeared to be ambiguous. Additional testimony was requested to clarify this provision. I would suggest that H be changed to read:

"9. That the said (order)(decree) contained the following incorrect description(s):

Dept's L

(A) Personal property:

[Adequate space for description]

(B) Real property:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota:

[Adequate space for description]"

This will clarify the language to show that only the incorrectly described property is to be listed and that it is to be listed as it was incorrectly described in the prior order or decree.

To coordinate with the proposed clarification, Item I should be clarified by being restated:

"10. That decedent's last will duly executed on _____ _____, 19___, and codicil or codicils thereto duly executed on _____, 19___, (was)(were) probated by the order of this Court dated _____, 19___, and (was)(were) construed to provide that under the provisions thereof, the hereinafter described property of decedent should be decreed as follows: (State actual legal relationship of each devisee to decedent)."

This change clarifies the fact that this decree does not alter the dispositive provisions of the earlier order or decree.

Item J must also be conformed to these changes:

"11. That, as previously determined, the following named persons are all of the heirs of the decedent and their actual relationship to decedent is as stated: (If decedent died testate, do not list heirs unless all heirs are ascertained)."

Again, this change clarifies the fact that the testacy determinations of the earlier order or decree are not being altered.

Item L should be rephrased to read:

"12. That the previously (omitted)(incorrectly described) property of the decedent should be (included)(correctly described) herein as follows:

(A) Personal property of the value of $_____ described as follows:

[Adequate space for description]

(B) Real property described as follows:

(1) The homestead of the decedent situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]

(2) Other real property situated in the County of _____, State of Minnesota, described as follows:

[Adequate space for description]"

This revision is designed to remove any ambiguity and show that the property which was omitted or incorrectly described in the previous order or decree is now being described correctly and should be included and decreed.

The final conforming change is in Item M:

"2. That title to the personal and real property described herein, subject to any lawful disposition heretofore made, is hereby assigned to and vested in the following named persons in the following proportions or parts:"

One other matter for which clarification was asked at the hearing related to Item I of the revisions to the Order of Complete Settlement of the Estate and Decree of Distribution; Item I of the revisions to the Order of Complete Settlement and Order of Distribution; and Item L of the Final Decree: Summary Assignment or Distribution (Exempt estate)(Non-exempt estate)(Testate)(Intestate). The language in these items should be revised to read:

"That decedent's will, duly executed on _____, 19___, and codicil or codicils thereto, duly executed on _____, 19___, [(is)(are) hereby][(has)(have) been] formally probated and (is)(are) construed as above stated."

This change was the result of testimony from several persons at the hearing.

This letter constitutes the only additional testimony I would offer in support of the proposed decrees. It was prepared in consultation with Mr. George E. Anderson, who also appeared at the hearing. The suggested revisions were made after considering Public's Exhibits 2 and 3, which Miss Reshetar had presented at the hearing.

Very truly yours,

Steve A. Brand

SAB:lj
cc: Thomas E. Collins
Robert C. Carlson
Allan Mulligan
Katherine Reshetar
George E. Anderson

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Eileen A. Gaiovnik, being first duly sworn, hereby deposes and says:

That at the City of St. Paul, county and state aforementioned, on the 21st day of April, 1978, she did serve the Report of Hearing Examiner SEC-78-012-SM

upon the Commissioner of Securities by personally handing to Thomas E. Collins,

said Report of Hearing Examiner.

Eileen A. Gaiovnik

Subscribed and sworn to before me this 21st day of April, 1977.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 29, 1983

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
SECURITIES DIVISION

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division to replace Uniform Conveyancing Blanks 35-40, 88-90, originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. §507.	ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned matter be held in the Hearing Room, Commerce Department, Fifth Floor, Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, on March 15, 1978, commencing at 9:30 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Dated: 1/18/78

John R. Larson

JOHN R. LARSON
Commissioner of Securities

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
SECURITIES DIVISION

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division, Department of Commerce to replace Uniform Conveyancing Blanks 35-40, 88-90, originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. §507	NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. §15.0412, subd. 4 (1976), in the hearing room of the Department of Commerce, Fifth Floor, Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, commencing at 9:30 a.m. on March 15, 1978, and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have the opportunity to participate concerning the adoption of the proposed rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, witness statements or material may be submitted by mail to Steve Mihalchick, Hearing Examiner, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, Telephone: (612)296-8112, either before the hearing or within five days after the close of the hearing, or for a longer period not to exceed twenty days if ordered by the hearing examiner.

All such statements will be entered into and become a part of the record. Testimony and other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least 3 copies be furnished. In addition, it is suggested to save time and to avoid duplication, those persons, organizations, or associations having common viewpoints or interests in these proceedings join together where possible and present a single statement in behalf of such interests.

By the Laws of 1975, Chapter 61, §26, Minn. Stat. §507.09 was amended to provide for the appointment of an advisory committee or uniform conveyancing blanks by the Commissioner of Securities. The Commissioner of Securities was given the power to adopt new forms or amended forms by administrative procedures. The advisory committee appointed by the Commissioner, determined that one of the immediate needs was the preparation of a set of probate decrees and personal representative's deeds to be used under the Uniform Probate Code which has been substantially adopted in Minnesota. If adopted, these Blanks would replace Uniform Conveyancing Blanks 35-40, 88-90 and would add a form, Bona Fide Purchases Declaration and Affidavit of No Self Dealing, pursuant to Minn. Stat. §291.14, Subd. 4 (1976). The following tabulation shows the captions of the new Blanks.

Personal Representative's Deed
Individual Personal Representative
to Individual(s)

Personal Representative's Deed
Corporate Personal Representative
to Individual(s)

Personal Representative's Deed
Individual Personal Representative
to Joint Tenants

Personal Representative's Deed
Corporate Personal Representative
to Joint Tenants

Personal Representative's Deed
Individual Personal Representative
to Corporation or Partnership

Personal Representative's Deed
Corporate Personal Representative
to Corporation or Partnership

Personal Representative's Deed
of Distribution Individual
Personal Representative

Personal Representative's Deed
of Distribution Corporate
Personal Representative

Order of Complete Settlement of the
Estate and Decree of Distribution
Form 524.3-1002 #6

Order of Complete Settlement of the
Estate and Order of Distribution
Form 524.3-1002 #7

Decree of Descent
Form 525.312 #8

Decree of Descent
(Omitted Property)(Incorrectly
described property)
Form 524.3-413 #6

Final Decree
Summary Assignment or Distribution
Form 525.51 #13

Bona Fide Purchaser Declaration
and Affidavit of No Self Dealing

Copies of the proposed Blanks are now available, and at least one free copy may be obtained by writing the Minnesota Securities Division, Fifth Floor, Metro Square Building, Saint Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. A Statement of Need explaining the Securities Division's position relative to the necessity for the proposed changes in the Blanks and a statement of the evidence outlining the testimony and evidence which will be introduced by the Securities Division in support of the proposed Blanks will be filed with the Hearing Examiners' office at least 25 days prior to the hearing and will be available there for public inspection. Statutory authority of the Securities Division to promulgate and adopt these Blanks is contained in Minn. Stat. §507.09 (1976).

Please note that all persons have the right to be notified of the date on which the Hearing Examiner's report will be available after which date the agency may not take any final action on the rules for a period of 5 working days. All persons have the right to be informed that the hearing record has been submitted to the Attorney General by the Securities Division. If you desire to be so notified, you may do so by so indicating at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

Please be advised that Minn. Stat. Chapter 10A (1976) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, Telephone: (612) 296-5615.

Dated: January 18, 1978.

John R. Larson

JOHN R. LARSON
Commissioner of Securities and
Chairman, Commerce Commission

Exhibit E

STATE OF MINNESOTA
COUNTY OF RAMSEY

AFFIDAVIT OF RECEIPT

In the matter of the Proposed Adoption
of Rules of the Securities Division
Governing Uniform Conveyancing Blanks

Thomas E. Collins, Staff Attorney, being first duly sworn, deposes and says:

That on the 1st day of February, 1978, in the City of St. Paul, County of Ramsey, State of Minnesota, he received the attached list of the Secretary of State.

Thomas E. Collins

Suscribed and sworn to before
me this 3rd day of February
1978.

Lori Fleming

LORI FLEMING
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 1, 1982

Exhibit F

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption
of Rules of Securities Division
Governing Uniform Conveyancing Blanks

I hereby certify that the attached 484 labels, 8 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock A .M, this 1st day of February, 1978, have requested pursuant to M.S. 1976, 15.0431, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Cheri L. Mattson

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division, Department of Commerce to replace Uniform Conveyancing Blanks 35-40, 88-90, originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. Section 507.

Tom E. Collins, Staff Attorney, being first duly sworn, deposes and says:

That on the 2nd day of February, 1978, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail, or in the case of State employees, in the inter office mail, at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Tom E. Collins

Subscribed and sworn to before me this 2nd day of February, 1978.

Lori Fleming
Notary Public

LORI FLEMING
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 1, 1982

STATE OF MINNESOTA

COUNTY OF RAMSEY

RECEIVED
FEB 9 1978
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division, Department of Commerce to replace Uniform Conveyancing Blanks 35-40, 88-90, originals of which are filed with the Secretary of State, and copies of which are set out following M.S.A. Section 507.

STATEMENT OF NEED

Docket #SEC-78-012-SM

By Laws 1929 Chapter 135 (Minn. Stat. §507.08) the Uniform Conveyancing Blanks Commission was authorized. The work of this Commission was "...approved and recommended for use in the state..." by Laws 1931 Chapter 272, Section 1 (Minn. Stat. §507.09)

Laws 1975, Chapter 61, Section 26 repealed Minn. Stat. §507.08 (ie) the Commission.

Laws 1975, Chapter 61, Section 2 authorized the Commissioner of Securities to appoint an advisory committee on uniform conveyancing forms to recommend to the Commissioner amended or new forms to be adopted by rule. The committee was appointed in 1976.

The 1974 session of the Minnesota Legislature passed a substantial portion of the Uniform Probate Code. The provisions that were passed were to be effective on August 1, 1975. The 1975 session of the Legislature extended the effective date to January 1, 1976 and enacted still more provisions of the Uniform Probate Code.

When the adivsory committee appointed by the Commissioner met, it was determined that the most immediate need was the preparation of a set of probate deeds and decrees which could be used under the new Code. The new Code made many of the existing forms obsolete. The committee began by dividing into two subcommittees, one to deal with probate decrees and the other to deal with probate deeds.

DEEDS

The committee determined that most urgent need was for revised deeds used by personal representatives in probate matters. The committee discovered that a number of publishing houses were printing various suggested deed forms, none of which appeared to contain what the committee regarded as necessary information. In addition, many of the forms contained space for extraneous information which was already disclosed by other recorded documents.

The committee further determined that it would be of great value to have all information appear on the face of the deed. This would reduce recording costs and make reproduction of documents much simpler.

The attached proposed deeds therefore reflect the following conclusions by the committee:

1 It is still desirable to provide various forms for the numerous entities and numbers of grantors and grantees. The committee has determined that a preservation of different forms for, e.g., corporate and individual grantors, joint tenants, etc., is desirable.

Dept's Exhibit No. H

2 The committee has included space for recording data and the county auditor's endorsement on the face of the deed. Photocopying and microfilming of these documents will require half the time, effort and expense.

3 The various recitations ("Whereas" paragraphs) contained in the existing forms of deeds are not necessary, since they recite information which will appear of record through other documents recorded prior to or simultaneously with the recording of the deeds.

4 The language of the deeds has been stated in more contemporary and concise form to make the deeds more readily understandable by lay persons and others who will be using them.

5 The deeds recite the marital status of the decedent at the time of death, information necessary for those examining title.

6 The deeds for use in a situation where the personal representative sells the property of the decedent contain space for consent (with acknowledgement) to the deed by the spouse of the decedent, as required by Minnesota law.

7 The deeds contain spaces for the name and address of the person drafting the deed and the address to which real estate tax statements should be sent as required by law.

8 The forms of deeds of distribution do not require a recitation of payment of delinquent taxes. They include a statement that no state deed tax is required in the UPC forms.

DECREES & ORDERS

As part of the process of preparing for the effective date of the Uniform Probate Code, a committee was established by the Minnesota Bar Association and the County Judges Association to prepare UPC forms for use under the Uniform Probate Code. Those UPC forms were prepared and were approved by the County Judges prior to the effective date of January 1, 1976. Among the UPC forms that were approved were those for Orders of Complete Settlement of the Estate and Decree of Distribution (or Order of Distribution), Final Decree of Distribution (Summary Proceedings), Decrees of Descent, and other documents necessary to close an estate.

The Uniform Conveyancing Blanks Advisory Committee determined that the basic problems were two in number. First, there appeared to be a redundancy in all the decree forms when it came to listing heirs and devisees and the ultimate disposition of an estate. In the body of the Findings, there was a finding relating to the decendent's heirs, followed by a finding relating to the disposition made under the decendent's will. The third paragraph in a row of findings listed how the property would be decreed either pursuant to the statute or to the will. The order portion of the decree then made a statement that the property was decreed or ordered to be distributed as stated above. This left some confusion, at least in minds of the committee members as to which paragraph (of the findings) reference was being made (in the order). The second problem was the statement in relation to inheritance taxes. The findings seemed to indicate that the court found the taxes should be waived. In reality that finding should be that the inheritance taxes have either been paid or that they have waived by some other proceeding. The order then should be that the lien of the inheritance taxes is waived.

In addition to these two problems, there were certain miscellaneous language matters that had to be adjusted. For example, there was a finding that the decedent died testate followed by a blank for the insertion of the date of death. The committee felt that a small blank should be inserted in front of the word "testate" so that the form could be used whether the decedent died with or without a will.

The set of forms that is being presented incorporates all the changes. The forms are a modification of those that were originally prepared by the Bar Association Committee and submitted to the County Judges for approval.

In response to the problem of redundant language, the committee recommended that the three paragraphs of findings be reduced to two. One paragraph would state the heirs of the decedent and the relationship. The next paragraph would state the devisees under the will. If the decedent died testate, the first paragraph of the findings would be lined out. If the decedent dies intestate, the second paragraph would be lined out and the first would be completed. The form of the order would be to list the names of the individuals who received the property and what assets or shares they received. The inheritance tax language was revised as reflected above.

Once forms were agreed upon and language was revised by the full committee, drafts were submitted to the County judges, to members of the State Bar Association, to trust companies throughout the state, to the Probate Registrars, to other court personnel, to title insurance companies, and to all other entities that could be affected by these forms. Following receipt of written comments from several members of the Bar and other entities, modifications were made. Most of these were matters of phrasing rather than substantive change.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
SECURITIES DIVISION

In the Matter of the Proposed Adoption of Uniform Conveyancing Blanks by the Securities Division to Replace Uniform Conveyancing Blanks 35-40, 88-90, Originals of Which are Filed with the Secretary of State, and Copies of Which are set out Following M.S.A. § 507

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Steve Mihalchick, duly appointed as hearing examiner in this matter, on the 15th day of March, 1978, at 9:30 a.m. in the hearing room, Commerce Department, Fifth Floor, Metro Square Building, St. Paul, Minnesota 55101.

After affording all interested persons an opportunity to present written and oral data, statements and argument, having heard all of the testimony, having carefully considered all of the evidence introduced and the report of the hearing examiner dated April 21, 1978, and upon the records, files and proceedings in this matter, the Commissioner of Securities concurs with, adopts and incorporates the attached Report of Hearing Examiner in this matter except as specified in the following Findings and Conclusions:

1. Form numbers and references to the relevant provision of Minnesota Statutes were added to the forms. This will allow uniformity by the various printing companies and easy reference to the appropriate section of the statutes.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Uniform Conveyancing Blanks are adopted this 5th day of July 1978, pursuant to authority vested in me by Minn. Stat. § 507.09 (1976).

John R Larson

JOHN R. LARSON
Commissioner of Securities
Department of Commerce
State of Minnesota

SEC-78-012-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF COMMERCE
SECURITIES DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF UNIFORM CONVEYANCING BLANKS BY THE SECURITIES DIVISION TO REPLACE UNIFORM CONVEYANCING BLANKS 35-40, 88-90, ORIGINALS OF WHICH ARE FILED WITH THE SECRETARY OF STATE, AND COPIES OF WHICH ARE SET OUT FOLLOWING M.S.A. § 507.	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 15, 1978, before Steve M. Mihalchick, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Securities Division on April 21, 1978; and

WHEREAS, the Securities Division has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Securities Division has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Securities Division has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Securities Division has the responsibility of submitting the complete hearing record and the rules as adopted by the Division to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 11th day
of July, 1978.

Duane R. Harves
DUANE R. HARVES
Chief Hearing Examiner

STATEMENT OF COMPLIANCE
WITH MANUAL OF RULE-
MAKING PROCEDURES

I, Special Assistant Attorney General Robert C. Carlson, do declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule-Making Procedures has been followed.

Dated this 20th day
of July, 1978.

ROBERT C. CARLSON
Special Assistant
Attorney General